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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,633	05/08/2001	Mark Hauck	10971990-2	4289

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HEWLETT-PACKARD COMPANY

Intellectual Property Administration

P. O. Box 272400

Fort Collins, CO 80527-2400

EXAMINER

NGHIEM, MICHAEL P

ART UNIT	PAPER NUMBER
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2863

DATE MAILED: 10/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding

# Office Action Summary

Application No.

09/851,633

Applicant(s)

HAUCK, MARK

Examiner

Michael P Nghiem

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 35,36,38-41 and 44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 35,36 and 44 is/are allowed.
- 6) ☒ Claim(s) 38,40 and 41 is/are rejected.
- 7) ☒ Claim(s) 39 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit: 2863

## DETAILED ACTION

The Response filed on July 21, 2003 has been acknowledged.

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 38, 40, and 41 are rejected under 35 U.S.C. 102(e) as being anticipated by Childers et al. (US 5,992,990).

Childers et al. discloses all the claimed features of the invention including:

- a method (Figs. 1, 8, 9) for regulating pressure in a print cartridge (38) having a fluid source (30) and a local reservoir (18), the method comprising the steps of:

sensing the pressure (column 4, lines 30-31):

Art Unit: 2863

- issuing a first flow of fluid into the local reservoir (by opening valve 126) from the fluid source (Fig. 1) when the pressure is less than a first predetermined limit (column 4, lines 31-32);

- issuing a second flow of fluid (valve 126 remains open, column 4, lines 32-34) into the local reservoir from the fluid source (Fig. 1) when the pressure is less than a second predetermined limit (column 4, lines 33-34);

- said first flow of fluid has a volume flow rate, and said second flow of fluid has a volume flow rate equal to said volume flow rate of said first flow of fluid (at proximate pressures, yet less than the predetermined limits, flow volumes are same due to constant diameter of tubing 36 and 40, Fig. 9);

- said first flow of fluid has a volume flow rate, and said second flow of fluid has a volume flow rate not equal to said volume flow rate of said first flow of fluid (at different pressures, flow volumes are different).

### ***Allowable Subject Matter***

2. Claim 39 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Reasons For Allowance***

4. The method as claimed wherein activating/deactivating a first and second flow valves (claim 35, 44) or evacuating air from the local reservoir when the pressure is more than a third predetermined limit (claim 39) is not disclosed, suggested, or made obvious by the prior art of record.

### ***Response to Arguments***

5. Applicant's arguments filed on July 21, 2003 have been considered but are not persuasive.

With respect to the 35 USC 102 rejections, Applicants argue that Childers does not disclose a print cartridge with a local reservoir "issuing a first flow of fluid" and "issuing a second flow of fluid" into the local reservoir. Rather, Childers discloses multiple print cartridges, each of which has a local reservoir and each reservoir has a single flow of fluid.

Examiner's position is that Childers discloses a local reservoir (18) issuing a first flow of fluid (first flow when pressure is -5 inches of water, column 4, lines 31-32) and issuing a second flow of fluid (second flow when pressure is -3 inches of water, column 4, lines 32-34) into the local reservoir (by opening valve 126). It is noted that the different fluid

flows are distinguished by the different fluid pressures even though the fluid flows may

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

### ***Contact Information***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Nghiem whose telephone number is (703) 306-3445. The examiner can normally be reached on M-H from 6:30AM – 5:00 PM.

Application/Control Number: 09/851,633

Page 6

Art Unit: 2863

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

A handwritten signature in black ink, appearing to read "Michael Nghiem", with a stylized flourish at the end.

**MICHAEL NGHIEM**  
**PRIMARY EXAMINER**

Michael Nghiem

October 6, 2003

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